



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,929	10/03/2005	Miguel Lancho Doncel	U 15798-8	6577
140 7590 12/04/2009 LADAS & PARRY LLP 26 WEST 61ST STREET NEW YORK, NY 10023				
EXAMINER				
STERLING, AMY JO				
ART UNIT		PAPER NUMBER		
3632				
NOTIFICATION DATE		DELIVERY MODE		
12/04/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

nyuspatactions@ladas.com

Office Action Summary

Application No.

10/536,929

Applicant(s)

LANCHO DONCEL, MIGUEL

Examiner

AMY J. STERLING

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is the **Final Office Action** for application number 10/536,929
ATTENUATION DEVICE , filed on 10/3/05. Claims 1-18 are pending. This **Final Office Action** is in response to applicant's reply dated 10/14/09. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action.

Claim Rejections - 35 USC § 102

Claims 1-3, 5 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 4063787 to Bakken et al.

The patent to Bakken et al. discloses an attenuation device including a surface of circular cross section straight cylinder revolution (20) comprising a set of slots (32, 34) distributed over both upper and lower surfaces of revolution, wherein the slots are disposed so as to provide a labyrinthine load path (Note: the applicant has defined the load path as labyrinthine meaning non-linear load path, See Remarks, page 6 line 18, dated 5/29/09. It is also noted that it is the load path, not the slots that are required to be non-linear) between upper and lower surfaces of the attenuation device and the surface of revolution is adapted to confine an elastomer elastic material (See Col. 2, line 67 for material) within the limits defined by the slots.

Claim Rejections - 35 USC § 103

Claims 4, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 4063787 to Bakken et al. and in view of United States Patent No. 2819060 to Neidhart.

Bakken et al. discloses applicant's basic inventive concept including teaching that the elastic material is in one or two bands of material (Note band is not interpreted to mean loops, a band can be linear such as a band of light). Bakken et al. does not show wherein the surface of revolution is a cone frustum.

Neidhart teaches an attenuation device having a surface of revolution (2) which is a cone frustum and with elastic material which at least two bands (3) of elastic material, used to attenuate vibration. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Neidhart to have used an attenuation device with the above configuration in order to stop vibration for the desired device.

Claims 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 4063787 to Bakken et al. and in view of United States Patent No. 2386463 to Hile.

Bakken et al. discloses applicant's basic inventive concept including teaching wherein at least two ends each one of them corresponding to a slot are located on a

face of the surface of revolution and the ends are parallel and wherein at least two slots are communicated through one section, with the exception that it does not show wherein each slot extends through a point according to an curve including an undulating curve or a slot generated by a line moving parallel to itself.

Hile teaches an attenuation device with a slot (25a) that extends through a point and according to a curve being an undulating curve and a slot generated by a line moving parallel to itself with an elastic material inside of the slot, used to attenuate vibration. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Hile to have used an attenuation device with the above configuration in order to stop vibration for the desired device.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 4063787 to Bakken et al. and in view of United States Patent No. 5746411 to Bruas et al.

Bakken et al. discloses applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show wherein the set of slots defines on the surface of revolution a spool formed by two cones joined at the vertex.

Bruas et al. teaches an attenuation device wherein a set of slots (19) defines on the surface of revolution a spool formed by two cones joined at the vertex, used to attenuate vibration. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Bruas et al. to have

used an attenuation device with the above configuration in order to stop vibration for the desired device.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 4063787 to Bakken et al. and in view of United States Patent No. 5899431 to Lefol.

Bakken et al. discloses applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show wherein the set of slots defines on the surface of revolution an H-type shape..

Bruas et al. teaches an attenuation device wherein the set of slots (55, 54) defines on the surface of revolution in an H-type shape, used to attenuate vibration. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Lefol to have used an attenuation device with the above configuration in order to stop vibration for the desired device.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 4063787 to Bakken et al.

Although Bakken et al. does not specifically teach that the device is made from a viscoelastic material, it would be obvious to one of ordinary skill in the art to have made the device of any suitable material because the use of such has a predictable result. (See KSR v. Teleflex, 550 U.S., 127 S. Ct. 1727 (2007)).

Response to Arguments

The applicant's argument pertaining to a "labyrinthine load path" are not persuasive. Although the applicant has argued how a labyrinthine load path or winding path is created in the present invention, the applicant has not described why the load path, as taught by the Bakken et al. reference, is not also defined as winding. The applicant describes the shocking waves of the present invention as being introduced to the device and then reacting by hopping from level to level of elastomer. The applicant stating that this hopping creates a winding load path. However, a shock wave introduced to the Bakken et al. attenuation device would also hop from elastomer path to elastomer path during the attenuation of such shock wave. This load path would also be winding between elastomer paths in a sine wave shape or even more haphazard winding shape, because any shock or vibration is going to behave in the same manner and jump throughout the device in a haphazard and non-uniform manner. There are no other distinguishable features in the applicant's claims to delineate the present application invention from the cited reference.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823 or to Supervisor Allen Shriver at 571-272-6698 if the examiner cannot be reached. The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (informal communications only). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.

/Amy J. Sterling/
Primary Examiner
12/2/09